

Senate File 2366 - Reprinted

SENATE FILE 2366
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3197)

(As Amended and Passed by the Senate February 25, 2010)

A BILL FOR

1 An Act relating to public funding and regulatory matters and
2 making, reducing, and supplementing appropriations for
3 expenditures in the fiscal year beginning July 1, 2009,
4 and including effective date and retroactive applicability
5 provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

ADMINISTRATION AND REGULATION

Section 1. Section 8A.504, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. *k.* If the alleged liability is owing and payable to a community college and setoff pursuant to this section is sought, both of the following shall apply:

(1) In addition to satisfying other applicable setoff procedures established under this subsection, the community college shall prescribe procedures to permit a person to contest the amount of the person's liability to the community college. Such procedures shall be consistent with and ensure the protection of the person's right of due process under Iowa law.

(2) The collection entity shall, except for the procedures prescribed pursuant to subparagraph (1), prescribe any other applicable procedures concerning setoff as provided in this subsection.

Sec. 2. FORMER MERCY CAPITOL FACILITIES. The department of administrative services may sell fixtures, equipment, or other items remaining at the former Mercy capitol facilities that the department has determined will not be retained for use by the state. Any proceeds realized from the sale of the fixtures, equipment, or other items are appropriated to the department to be used for the costs of occupying and operating the facilities.

DIVISION II

JUSTICE SYSTEM

Sec. 3. DEPARTMENT OF CORRECTIONS. After applying the reduction made pursuant to executive order number 19 issued October 8, 2009, to the appropriations made for the following designated purposes, and the transfers made to and from the appropriations pursuant to the authority in section 8.39 and addressed in the notice of appropriation transfer from the department of management dated December 23, 2009, there

1 is appropriated from the general fund of the state to the
2 department of corrections for the fiscal year beginning July 1,
3 2009, and ending June 30, 2010, the following amounts, or so
4 much thereof as is necessary, to supplement the appropriations
5 made for the following designated purposes:

6 1. For the operation of adult correctional institutions in
7 2009 Iowa Acts, chapter 178, section 3, subsection 1, to be
8 allocated as follows:

9 a. For the operation of the Fort Madison correctional
10 facility in 2009 Iowa Acts, chapter 178, section 3, subsection
11 1, paragraph "a":
12 \$ 764,048

13 b. For the operation of the Anamosa correctional facility in
14 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph
15 "b":
16 \$ 543,179

17 c. For the operation of the Oakdale correctional facility in
18 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph
19 "c":
20 \$ 2,650,762

21 d. For the operation of the Newton correctional facility in
22 2009 Iowa Acts, chapter 178, section 3, subsection 1, paragraph
23 "d":
24 \$ 526,181

25 e. For the operation of the Mt. Pleasant correctional
26 facility in 2009 Iowa Acts, chapter 178, section 3, subsection
27 1, paragraph "e":
28 \$ 415,980

29 f. For the operation of the Rockwell City correctional
30 facility in 2009 Iowa Acts, chapter 178, section 3, subsection
31 1, paragraph "f":
32 \$ 108,833

33 g. For the operation of the Clarinda correctional facility
34 in 2009 Iowa Acts, chapter 178, section 3, subsection 1,
35 paragraph "g":

S.F. 2366

1 \$ 451,752
2 h. For the operation of the Mitchellville correctional
3 facility in 2009 Iowa Acts, chapter 178, section 3, subsection
4 1, paragraph "h":
5 \$ 169,416
6 i. For the operation of the Fort Dodge correctional facility
7 in 2009 Iowa Acts, chapter 178, section 3, subsection 1,
8 paragraph "i":
9 \$ 200,000
10 2. For the judicial district departments of correctional
11 services in 2009 Iowa Acts, chapter 178, section 5, subsection
12 1, to be allocated as follows:
13 a. For the first judicial district department of
14 correctional services in 2009 Iowa Acts, chapter 178, section
15 5, subsection 1, paragraph "a":
16 \$ 110,275
17 b. For the second judicial district department of
18 correctional services in 2009 Iowa Acts, chapter 178, section
19 5, subsection 1, paragraph "b":
20 \$ 308,214
21 c. For the third judicial district department of
22 correctional services in 2009 Iowa Acts, chapter 178, section
23 5, subsection 1, paragraph "c":
24 \$ 18,010
25 d. For the fourth judicial district department of
26 correctional services in 2009 Iowa Acts, chapter 178, section
27 5, subsection 1, paragraph "d":
28 \$ 76,117
29 e. For the fifth judicial district department of
30 correctional services in 2009 Iowa Acts, chapter 178, section
31 5, subsection 1, paragraph "e":
32 \$ 790,020
33 f. For the sixth judicial district department of
34 correctional services in 2009 Iowa Acts, chapter 178, section
35 5, subsection 1, paragraph "f":

1 \$ 302,810

2 g. For the seventh judicial district department of
3 correctional services in 2009 Iowa Acts, chapter 178, section
4 5, subsection 1, paragraph "g":

5 \$ 24,923

6 h. For the eighth judicial district department of
7 correctional services in 2009 Iowa Acts, chapter 178, section
8 5, subsection 1, paragraph "h":

9 \$ 400,850

10 Sec. 4. STATE PUBLIC DEFENDER. After applying the reduction
11 made pursuant to executive order number 19 issued October 8,
12 2009, to the appropriation made for the following designated
13 purposes, there is appropriated from the general fund of
14 the state to the office of the state public defender of the
15 department of inspections and appeals for the fiscal year
16 beginning July 1, 2009, and ending June 30, 2010, the following
17 amount, or so much thereof as is necessary, to supplement the
18 appropriations made for the following designated purposes:

19 For the fees of court-appointed attorneys for indigent
20 adults and juveniles, in accordance with section 232.141 and
21 chapter 815, in 2009 Iowa Acts, chapter 178, section 10,
22 subsection 2:

23 \$ 10,900,000

24 Sec. 5. DEPARTMENT OF PUBLIC DEFENSE. After applying
25 the reduction made pursuant to executive order number 19
26 issued October 8, 2009, to the appropriations made for the
27 following designated purposes, and the transfers made from
28 the appropriations pursuant to the authority in section 8.39
29 and addressed in the notice of appropriation transfer from
30 the department of management dated December 23, 2009, there
31 is appropriated from the general fund of the state to the
32 department of public defense for the fiscal year beginning July
33 1, 2009, and ending June 30, 2010, the following amounts, or so
34 much thereof as is necessary, to supplement the appropriations
35 made for the following designated purposes:

1 1. MILITARY DIVISION

2 For salaries, support, maintenance, and miscellaneous
3 purposes, in 2009 Iowa Acts, chapter 178, section 13,
4 subsection 1:

5 \$ 526,202

6 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

7 For salaries, support, maintenance, and miscellaneous
8 purposes in 2009 Iowa Acts, chapter 178, section 13, subsection
9 2:

10 \$ 61,614

11 Sec. 6. 2009 Iowa Acts, chapter 172, section 1, subsection
12 1, as amended by 2009 Iowa Acts, chapter 179, section 66, is
13 amended to read as follows:

14 1. There is appropriated from the general fund of the state
15 to the judicial branch for the fiscal year beginning July 1,
16 2009, and ending June 30, 2010, the following amount, or so
17 much thereof as is necessary, to be used for the purposes
18 designated:

19 For salaries of supreme court justices, appellate court
20 judges, district court judges, district associate judges,
21 judicial magistrates and staff, state court administrator,
22 clerk of the supreme court, district court administrators,
23 clerks of the district court, juvenile court officers, board of
24 law examiners and board of examiners of shorthand reporters and
25 judicial qualifications commission; receipt and disbursement
26 of child support payments; reimbursement of the auditor
27 of state for expenses incurred in completing audits of the
28 offices of the clerks of the district court during the fiscal
29 year beginning July 1, 2009; and maintenance, equipment, and
30 miscellaneous purposes:

31 ~~\$160,184,957~~
32 148,811,822

33 As a condition of receiving an increase to the appropriation
34 made in this section, the judicial branch shall allocate
35 the first \$5,400,000 of the increased amount as follows:

1 \$4,800,000 for the state's required contribution under section
2 602.9104 to the judicial retirement fund, \$350,000 for court
3 debt collection, and \$250,000 for judicial officer and court
4 employee travel reimbursement for civil trials.

5 Sec. 7. REVERSION. Notwithstanding section 8.33, moneys
6 appropriated in this division of this Act to the department of
7 corrections and to the department of inspections and appeals
8 for the office of the state public defender that remain
9 unencumbered or unobligated at the close of the fiscal year
10 shall not revert but shall remain available for expenditure
11 for the purposes designated until the close of the succeeding
12 fiscal year.

13 DIVISION III

14 EDUCATION

15 Sec. 8. DEPARTMENT OF EDUCATION. After applying the
16 reduction made pursuant to executive order number 19 issued
17 October 8, 2009, to the appropriations made for the following
18 designated purposes, and the transfers made to and from the
19 appropriations pursuant to the authority in section 8.39 and
20 addressed in the notices of appropriation transfer from the
21 department of management dated December 15, 2009, and December
22 23, 2009, there is appropriated from the general fund of the
23 state to the department of education for the fiscal year
24 beginning July 1, 2009, and ending June 30, 2010, the following
25 amounts, or so much thereof as is necessary, to supplement the
26 appropriations made for the following designated purposes:

27 1. STATE LIBRARY — ENRICH IOWA PROGRAM

28 For the enrich Iowa program established under section
29 256.57, in 2009 Iowa Acts, chapter 177, section 6, subsection
30 4, paragraph "b":

31 \$ 179,608

32 2. IOWA EMPOWERMENT FUND — PRESCHOOL TUITION ASSISTANCE

33 For deposit in the school ready children grants account of
34 the Iowa empowerment fund created in section 28.9, in 2009 Iowa
35 Acts, chapter 177, section 6, subsection 11, paragraph "a":

1 \$ 877,215

2 3. FOUR-YEAR-OLD PRESCHOOL PROGRAM

3 For allocation to eligible school districts for the

4 four-year-old preschool program under chapter 256C, in 2009

5 Iowa Acts, chapter 177, section 6, subsection 14:

6 \$ 1,194,569

7 4. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

8 To provide moneys for costs of providing textbooks to each

9 resident pupil who attends a nonpublic school as authorized

10 by section 301.1, in 2009 Iowa Acts, chapter 177, section 6,

11 subsection 15:

12 \$ 62,563

13 5. CORE CURRICULUM AND CAREER INFORMATION AND

14 DECISION-MAKING SYSTEM

15 For purposes of implementing the statewide core curriculum

16 for school districts and accredited nonpublic schools and a

17 state-designated career information and decision-making system

18 in 2009 Iowa Acts, chapter 177, section 6, subsection 17:

19 \$ 197,954

20 6. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

21 For purposes of the student achievement and teacher quality

22 program established pursuant to chapter 284, in 2009 Iowa Acts,

23 chapter 177, section 6, subsection 18:

24 \$ 892,428

25 7. COMMUNITY COLLEGES

26 For general state financial aid to merged areas as defined

27 in section 260C.2 in accordance with chapters 258 and 260C, in

28 2009 Iowa Acts, chapter 177, section 6, subsection 19:

29 \$ 5,943,581

30 The appropriation made in this subsection shall be allocated

31 to the merged areas in the same proportion as the allocations

32 made to the merged areas in accordance with 2009 Iowa Acts,

33 chapter 177, section 6, subsection 19, bear to the amount

34 appropriated.

35 8. PROGRAMS FOR AT-RISK CHILDREN

1 For programs for at-risk children in section 279.51, as
2 limited by 2009 Iowa Acts, chapter 179, section 4, subsection
3 9:

4 \$ 1,149,389

5 9. K-12 MANAGEMENT INFORMATION SYSTEM

6 For the kindergarten to grade twelve management information
7 system in 2009 Iowa Acts, chapter 179, section 156, subsection
8 3, paragraph "b":

9 \$ 23,000

10 10. IOWA SENIOR YEAR PLUS PROGRAM

11 For purposes of implementing the senior year plus program
12 established pursuant to section 261E.1, in 2008 Iowa Acts,
13 chapter 1181, section 5, subsection 17:

14 \$ 140,556

15 Sec. 9. STATE BOARD OF REGENTS. After applying the
16 reduction made pursuant to executive order number 19 issued
17 October 8, 2009, to the appropriations made for the following
18 designated purposes, and the transfers made to and from the
19 appropriations pursuant to the authority in section 8.39 and
20 addressed in the notice of appropriation transfer from the
21 department of management dated December 23, 2009, there is
22 appropriated from the general fund of the state to the state
23 board of regents for the fiscal year beginning July 1, 2009,
24 and ending June 30, 2010, the following amounts, or so much
25 thereof as is necessary, to supplement the appropriations made
26 for the following designated purposes:

27 1. STATE UNIVERSITY OF IOWA

28 For the general university, including lakeside laboratory
29 in 2009 Iowa Acts, chapter 177, section 10, subsection 2,
30 paragraph "a":

31 \$ 14,371,621

32 2. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

33 For the general university in 2009 Iowa Acts, chapter 177,
34 section 10, subsection 3, paragraph "a":

35 \$ 10,839,521

1 3. UNIVERSITY OF NORTHERN IOWA

2 For the general university in 2009 Iowa Acts, chapter 177,
3 section 10, subsection 4, paragraph "a":

4 \$ 5,227,665

5 4. STATE SCHOOL FOR THE DEAF

6 For the state school for the deaf in 2009 Iowa Acts, chapter
7 177, section 10, subsection 5:

8 \$ 583,902

9 5. IOWA BRAILLE AND SIGHT SAVING SCHOOL

10 For the Iowa braille and sight saving school in 2009 Iowa
11 Acts, chapter 177, section 10, subsection 6:

12 \$ 337,791

13 Sec. 10. NONREVERSION. Notwithstanding section 8.33,
14 moneys appropriated in this division of this Act to the
15 department of education for community colleges and to the state
16 board of regents for institutions under the control of the
17 board that remain unencumbered or unobligated at the close of
18 the fiscal year shall not revert but shall remain available for
19 expenditure for the purposes designated until the close of the
20 succeeding fiscal year.

21 DIVISION IV

22 GENERAL ASSEMBLY AND MISCELLANEOUS

23 Sec. 11. 2009 Iowa Acts, chapter 179, section 3, subsection
24 1, is amended to read as follows:

25 1. The appropriations made pursuant to section 2.12 for the
26 expenses of the general assembly and legislative agencies for
27 the fiscal year beginning July 1, 2009, and ending June 30,
28 2010, are reduced by the following amount:

29 \$ 4,439,653

30 7,780,064

31 Sec. 12. 2009 Iowa Acts, chapter 181, section 10, subsection
32 5, is amended to read as follows:

33 5. STATE-FEDERAL RELATIONS

34 For salaries, support, maintenance, and miscellaneous
35 purposes for the office for state-federal relations, and for

1 not more than the following full-time equivalent positions:

2	\$	46,620
3	FTEs	1.00
4		<u>2.00</u>

5 TRANSFERS

6 Sec. 13. COLLEGE STUDENT AID COMMISSION.

7 1. Notwithstanding section 261.20, for the fiscal year
8 beginning July 1, 2009, and ending June 30, 2010, the following
9 amounts are transferred for distribution to appropriations as
10 provided in subsection 2:

11 a. From the scholarship and tuition grant reserve fund
12 created in section 261.20:

13 \$ 514,180

14 b. From moneys from the tuition grant program,
15 not-for-profit, that would otherwise be deposited in the
16 scholarship and tuition grant reserve fund:

17 \$ 228,490

18 2. The moneys transferred pursuant to subsection 1 are
19 distributed after applying the reductions made pursuant to
20 executive order number 19 issued October 8, 2009, as follows:

21 a. For the Iowa national guard educational assistance
22 program appropriation made in 2009 Iowa Acts, chapter 177,
23 section 2, subsection 4:

24 \$ 241,120

25 b. For the all Iowa opportunity scholarship program
26 appropriation made in 2009 Iowa Acts, chapter 177, section 2,
27 subsection 6:

28 \$ 250,254

29 c. For the vocational-technical tuition grants
30 appropriation made in section 261.25, subsection 3:

31 \$ 251,296

32 Sec. 14. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
33 transferred from the Medicaid fraud account created in section
34 249A.7 under the department of inspections and appeals for
35 the fiscal year beginning July 1, 2009, and ending June 30,

1 2010, after applying the reduction made pursuant to executive
2 order number 19 issued October 8, 2009, to the following
3 appropriation:

4 For the investigations division of the department of
5 inspections and appeals in 2009 Iowa Acts, chapter 181, section
6 13, subsection 3:

7 \$ 747,037

8 Sec. 15. EFFECTIVE DATE — APPLICABILITY. This section of
9 this division of this Act providing for transfers involving
10 the college student aid commission and the department of
11 inspections and appeals are retroactively applicable to
12 December 14, 2009, and apply in lieu of the transfers made for
13 the same purposes by the executive branch, as reported by the
14 department of management in the transfer notices dated December
15 14, 2009.

16 DIVISION V
17 HEALTH

18 Sec. 16. DEPARTMENT OF PUBLIC HEALTH. After applying the
19 reduction made pursuant to executive order number 19 issued
20 October 8, 2009, to the appropriations made for the following
21 designated purposes, and any transfers made to and from the
22 appropriations pursuant to the authority in section 8.39
23 and addressed in the notice of appropriation transfer from
24 the department of management dated December 23, 2009, there
25 is appropriated from the general fund of the state to the
26 department of public health for the fiscal year beginning July
27 1, 2009, and ending June 30, 2010, the following amounts, or so
28 much thereof as is necessary, to supplement the appropriations
29 made for the following designated purposes:

30 1. ADDICTIVE DISORDERS

31 For reducing the prevalence of use of tobacco, alcohol, and
32 other drugs, and treating individuals affected by addictive
33 behaviors, including gambling, in 2009 Iowa Acts, chapter 182,
34 section 2, subsection 1:

35 \$ 2,627,532

1	2. HEALTHY CHILDREN AND FAMILIES	
2	For promoting the optimum health status for children,	
3	adolescents from birth through 21 years of age, and families,	
4	in 2009 Iowa Acts, chapter 182, section 2, subsection 2:	
5	.....	\$ 329,267
6	3. CHRONIC CONDITIONS	
7	For serving individuals identified as having chronic	
8	conditions or special health care needs in 2009 Iowa Acts,	
9	chapter 182, section 2, subsection 3:	
10	.....	\$ 321,643
11	4. COMMUNITY CAPACITY	
12	For strengthening the health care delivery system at	
13	the local level in 2009 Iowa Acts, chapter 182, section 2,	
14	subsection 4:	
15	.....	\$ 23,000
16	5. ELDERLY WELLNESS	
17	For promotion of healthy aging and optimization of the	
18	health of older adults in 2009 Iowa Acts, chapter 182, section	
19	2, subsection 5:	
20	.....	\$ 834,578
21	6. ENVIRONMENTAL HAZARDS	
22	For reducing the public's exposure to hazards in the	
23	environment, in 2009 Iowa Acts, chapter 182, section 2,	
24	subsection 6:	
25	.....	\$ 65,598
26	7. INFECTIOUS DISEASES	
27	For reducing the incidence and prevalence of communicable	
28	diseases, in 2009 Iowa Acts, chapter 182, section 2, subsection	
29	7:	
30	.....	\$ 138,372
31	8. PUBLIC PROTECTION	
32	For protecting the health and safety of the public through	
33	establishing standards and enforcing regulations, in 2009 Iowa	
34	Acts, chapter 182, section 2, subsection 8:	
35	.....	\$ 23,248

1 9. CENTER FOR CONGENITAL AND INHERITED DISORDERS CENTRAL
2 REGISTRY

3 For the center for congenital and inherited disorders
4 central registry to supplement the amount appropriated pursuant
5 to section 144.13A, subsection 4, paragraph "a":

6 \$ 20,684

7 DIVISION VI

8 HUMAN SERVICES

9 Sec. 17. DEPARTMENT OF HUMAN SERVICES — STATE CASES. After
10 applying the reduction made pursuant to executive order number
11 19 issued October 8, 2009, to the appropriation made for the
12 following designated purposes, there is appropriated from the
13 general fund of the state to the department of human services
14 for the fiscal year beginning July 1, 2009, and ending June 30,
15 2010, the following amount, or so much thereof as is necessary,
16 to supplement the appropriation made for the following
17 designated purposes:

18 For distribution to counties for state case services
19 for persons with mental illness, mental retardation, and
20 developmental disabilities in accordance with section 331.440,
21 in 2009 Iowa Acts, chapter 182, section 24, subsection 1:

22 \$ 100,163

23 Sec. 18. 2009 Iowa Acts, chapter 182, section 19, is amended
24 to read as follows:

25 SEC. 19. JUVENILE DETENTION HOME FUND. Moneys deposited
26 in the juvenile detention home fund created in section 232.142
27 during the fiscal year beginning July 1, 2009, and ending June
28 30, 2010, are appropriated to the department of human services
29 for the fiscal year beginning July 1, 2009, and ending June 30,
30 2010, to be allocated as follows:

31 1. For funding of core department of human services'
32 juvenile delinquent graduated sanction services and to replace
33 a reduction in state funding of such services made pursuant to
34 executive order number 19 issued October 8, 2009:

35 \$ 1,000,000

1 2. The remainder for distribution of an amount equal to
2 a percentage of the costs of the establishment, improvement,
3 operation, and maintenance of county or multicounty juvenile
4 detention homes in the fiscal year beginning July 1,
5 2008. Moneys ~~appropriated~~ allocated for distribution in
6 accordance with this ~~section~~ subsection shall be allocated
7 among eligible detention homes, prorated on the basis of an
8 eligible detention home's proportion of the costs of all
9 eligible detention homes in the fiscal year beginning July
10 1, 2008. The percentage figure shall be determined by the
11 department based on the amount available for distribution for
12 the fund. Notwithstanding section 232.142, subsection 3, the
13 financial aid payable by the state under that provision for
14 the fiscal year beginning July 1, 2009, shall be limited to
15 the amount ~~appropriated~~ allocated for the purposes of this
16 ~~section~~ subsection.

17 Notwithstanding section 232.188, or any other provision of
18 law to the contrary, the first \$1,000,000 of moneys designated
19 for decategorization funding projects for the fiscal year
20 beginning July 1, 2008, remaining unencumbered or unobligated
21 at the close of the fiscal year shall not be used as carryover
22 funding but shall instead be transferred to the juvenile
23 detention home fund and shall be allocated to county and
24 multicounty juvenile detention homes to restore the amount
25 diverted pursuant to subsection 1.

26 DIVISION VII

27 HUMAN SERVICES NURSING

28 FACILITY REIMBURSEMENT

29 Sec. 19. 2001 Iowa Acts, chapter 192, section 4, subsection
30 4, as amended by 2008 Iowa Acts chapter 1187, section 33, as
31 amended by 2009 Iowa Acts, chapter 182, section 33, is amended
32 by adding the following new paragraph:

33 NEW PARAGRAPH. *i.* Pay-for-performance payments shall not
34 be made under this subsection until such time as sufficient
35 funding is available to implement the subsection, as determined

1 by the director of the department of human services.

2 Sec. 20. NURSING FACILITY REIMBURSEMENT AND PAYMENT
3 PROCEDURES. Notwithstanding the administrative rule changes
4 made by the department of human services pursuant to executive
5 order number 19 issued October 8, 2009, relating to nursing
6 facility payment procedures, the department shall reinstitute
7 or adopt administrative rules to provide for all of the
8 following:

9 1. For purposes of computation of administrative,
10 environmental, and property expenses, for nonstate owned
11 nursing facilities, patient days shall be inpatient days as
12 determined by 441 IAC 81.6(7), or 85 percent of the licensed
13 capacity of the facility, whichever is greater.

14 2. For purposes of calculation of the capital cost per
15 diem instant relief add-on pursuant to 441 IAC 81.6(16)(h)(9)
16 the total patient days shall be determined using the most
17 current submitted financial and statistical report or using
18 the estimated total patient days as reported in the request
19 for the add-on. For purposes of calculating the add-on, total
20 patient days shall be the greater of the estimated annual total
21 patient days or 85 percent of the facility's estimated licensed
22 capacity.

23 3. For purposes of reconciliation of the capital cost per
24 diem instant relief add-on pursuant to 441 IAC 81.6(16)(h)(12),
25 for purposes of recalculating the capital cost per diem instant
26 relief add-on, total patient days shall be based on the greater
27 of the number of actual patient days during the period in which
28 the add-on was paid or 85 percent of the facility's actual
29 licensed bed capacity during the period in which the add-on was
30 paid.

31 4. For purposes of periods authorized for payment pursuant
32 to 441 IAC 81.10(4), a facility shall hold or reserve a bed
33 for periods the resident is absent overnight for purposes
34 of hospitalization or prescribed therapeutic leave, not to
35 exceed 18 calendar days in any calendar year for prescribed

1 therapeutic leave and not to exceed 10 days in any calendar
2 month due to hospitalization. Beginning December 1, 2009,
3 payment shall not be authorized for reserve or bed hold days
4 and the facility shall no longer count nonpaid reserve or bed
5 hold days in calculating inpatient days for payment at new
6 rates. A medical assistance program payment to the facility
7 shall not be initiated while a resident is on reserve bed days
8 due to hospitalization unless the person was residing in the
9 facility as a private pay resident prior to the hospitalization
10 and returns to the facility as a medical assistance program
11 recipient resident.

12 Sec. 21. DEPARTMENT OF HUMAN SERVICES. Notwithstanding any
13 provision to the contrary and subject to the availability of
14 funds, there is appropriated from the quality assurance trust
15 fund created pursuant to section 249L.4, to the department of
16 human services for the fiscal year beginning July 1, 2009, and
17 ending June 30, 2010, no more than the following amount or so
18 much thereof as is necessary to supplement the appropriations
19 made for the following designated purposes:

20 To supplement the appropriation made for medical assistance
21 in 2009 Iowa Acts, chapter 182, section 9, to be used for
22 nursing facility reimbursement under the medical assistance
23 program, in accordance with 2009 Iowa Acts, chapter 182,
24 section 32, subsection 1, paragraph "a", and this division of
25 this Act, and to institute the administrative rules changes as
26 directed in this division of this Act:

27 \$ 2,300,000

28 The department shall determine the amount of the 5 percent
29 reduction that can be restored, up to 2 percent, within the
30 amount of funds available in the trust fund during the fiscal
31 period specified, and shall adjust rates accordingly.

32 Sec. 22. CONTINGENT IMPLEMENTATION — NOTIFICATION.

33 1. Implementation of this division of this Act is contingent
34 upon the department of human services receiving approval of the
35 waivers and the medical assistance state plan amendment by the

1 centers for Medicare and Medicaid services of the United States
2 department of health and human services relating to the quality
3 assurance assessment created in chapter 249L. The department
4 of human services shall notify the chairpersons and ranking
5 members of the joint appropriations subcommittee on health
6 and human services, the legislative services agency, and the
7 legislative caucus staffs upon receipt of such approval.

8 2. The costs associated with implementation of this Act
9 shall be funded exclusively through moneys appropriated from
10 the quality assurance trust fund, and shall result in budget
11 neutrality to the general fund of the state for the fiscal year
12 beginning July 1, 2009, and ending June 30, 2010.

13 DIVISION VIII

14 INFRASTRUCTURE APPROPRIATIONS

15 Sec. 23. 2007 Iowa Acts, chapter 219, section 1, subsection
16 3, paragraph d, is amended to read as follows:

17 d. For the lease payment under the lease-purchase agreement
18 to connect the electrical system supporting the special needs
19 unit at Fort Madison:

20 \$ 333,168
21 305,404

22 Sec. 24. 2007 Iowa Acts, chapter 219, section 1, subsection
23 7, is amended to read as follows:

24 7. DEPARTMENT OF HUMAN SERVICES

25 For the renovation and construction of certain nursing
26 facilities, consistent with the provisions of chapter 249K, as
27 enacted in this Act:

28 \$ ~~1,000,000~~
29 200,000

30 Sec. 25. 2008 Iowa Acts, chapter 1179, section 1, subsection
31 1, paragraph d, is amended to read as follows:

32 d. For costs associated with developing the request for
33 proposals necessary for the procurement and implementation
34 of a human resources module associated with the integrated
35 information for Iowa system, notwithstanding section 8.57,

1 subsection 6, paragraph "c":

2 \$ 200,000

3 0

4 Sec. 26. 2008 Iowa Acts, chapter 1179, section 1, subsection
5 3, paragraph c, is amended to read as follows:

6 c. For a study related to the fifth judicial district
7 department of correctional services, notwithstanding section
8 8.57, subsection 6, paragraph "c":

9 \$ 200,000

10 96,654

11 Sec. 27. 2008 Iowa Acts, chapter 1179, section 1, subsection
12 4, paragraph d, is amended to read as follows:

13 d. For repairs to the historic Kimball organ located in
14 Clermont, Iowa, notwithstanding section 8.57, subsection 6,
15 paragraph "c":

16 \$ 80,000

17 55,000

18 Sec. 28. 2008 Iowa Acts, chapter 1179, section 1, subsection
19 7, paragraphs a and b, are amended to read as follows:

20 a. For the renovation and construction of certain nursing
21 facilities, consistent with the provisions of chapter 249K:

22 \$ 600,000

23 0

24 b. For a study of ways to enhance access to health insurance
25 by registered child development home providers in accordance
26 with this section, notwithstanding section 8.57, subsection 6,
27 paragraph "c":

28 \$ 50,000

29 0

30 Sec. 29. 2008 Iowa Acts, chapter 1179, section 1, subsection
31 9, paragraph c, is amended to read as follows:

32 c. For a grant to a city with a population of more
33 than 30,500 but less than 31,500, according to the 2006
34 estimate issued by the United States bureau of the census,
35 notwithstanding section 8.57, subsection 6, paragraph "c":

1	\$	150,000
2		<u>135,000</u>

3 Sec. 30. 2009 Iowa Acts, chapter 184, section 5, is amended
4 to read as follows:

5 SEC. 5. Notwithstanding the amount of the standing
6 appropriation from the rebuild Iowa infrastructure fund
7 as provided in section 15G.110, subsection 2, there is
8 appropriated from the rebuild Iowa infrastructure fund to
9 the department of economic development for deposit into the
10 grow Iowa values fund, in lieu of the appropriation made in
11 section 15G.110, subsection 2, for the fiscal year beginning
12 July 1, 2009, and ending June 30, 2010, the following amount,
13 notwithstanding section 8.57, subsection 6, paragraph "c":
14 \$ ~~45,000,000~~
15 27,500,000

16 Sec. 31. 2009 Iowa Acts, chapter 184, section 7, is amended
17 to read as follows:

18 SEC. 7. REDUCTION OF THE GROW IOWA VALUES FUND APPROPRIATION
19 TO THE DEPARTMENT OF ECONOMIC DEVELOPMENT. In lieu of the
20 fifty million dollars appropriated for the fiscal year
21 beginning July 1, 2009, and ending June 30, 2010, from the grow
22 Iowa values fund to the department of economic development
23 pursuant to section 15G.111, subsection 3, if enacted by 2009
24 Iowa Acts, Senate File 344, section 2, there is appropriated
25 from the grow Iowa values fund to the department of economic
26 development for the fiscal year beginning July 1, 2009, and
27 ending June 30, 2010, ~~forty-five~~ twenty-seven million five
28 hundred thousand dollars for purposes of making expenditures
29 pursuant to chapter 15G.

30 Sec. 32. 2009 Iowa Acts, chapter 184, section 8, unnumbered
31 paragraph 1, is amended to read as follows:

32 In lieu of the amounts allocated pursuant to section
33 15G.111, subsections 4 through 10, if enacted by 2009
34 Iowa Acts, Senate File 344, section 2, for the fiscal year
35 beginning July 1, 2009, and ending June 30, 2010, of the

1 ~~forty-five~~ twenty-seven million five hundred thousand dollars
2 appropriated to the department of economic development pursuant
3 to this division of this Act, the department shall allocate the
4 following amounts for the following purposes as described in
5 section 15G.111, subsections 4 through 10, if enacted by 2009
6 Iowa Acts, Senate File 344, section 2:

7 Sec. 33. 2009 Iowa Acts, chapter 184, section 8, subsection
8 1, is amended to read as follows:

9 1. For departmental purposes, ~~twenty-eight~~ eleven million
10 ~~eight~~ three hundred thousand dollars. Of the moneys
11 allocated pursuant to this subsection and in lieu of the two
12 million dollars allocated for deposit in the renewable fuel
13 infrastructure fund under section 15G.111, subsection 4,
14 paragraph "h", if enacted by 2009 Iowa Acts, Senate File 344,
15 section 2, the department shall allocate one million eight
16 hundred thousand dollars for deposit in the renewable fuel
17 infrastructure fund.

18 DIVISION IX

19 EFFECTIVE DATE

20 Sec. 34. EFFECTIVE UPON ENACTMENT. Unless provided
21 otherwise, this Act, being deemed of immediate importance,
22 takes effect upon enactment.